REMARKS

Comments of the applicant are preceded by related comments of the examiner in small, bold type.

> **Applicant argues that Leung does not determine a current state of transmissions and a system based on a current transmission state in another one of the sectors of a cell. Examiner respectfully disagrees. Leung discloses a frequency reuse pattern and Examiner equates a reuse pattern with a "current state of transmissions." The claims do not distinguish the current state of transmissions from a reuse pattern. Moreover, since the reuse pattern applies to all the sectors of a cell, packet allocation is inherently based on the current transmission state in any one of the sectors of the cell.**

Claim 1, as amended, recites "altering the signal-to-interference ratio of at least one user in the first sector of the cell by temporarily reducing transmission power on a forward link in at least one of the other sectors of the cell or the sector in another cell, the reducing of the transmission power being dynamically determined based on the determined current state of transmissions in the at least one other sector of the cell or the sector in another cell."

To achieve a target signal-to-interference ratio (SIR), Leung discloses a dynamic resource allocation system in which data packets are allocated to timeslots according to a fixed allocation pattern in order to avoid inter-cell and intra-cell interference. In particular, Leung states with respect to the Enhanced Staggered Resource Allocation (ESRA) pattern of FIG. 4:

> Each time frame in the ESRA method consists of six subframes, indexed by 1 to 6 in FIG. 5. Each subframe is further divided into six "mini-frames," which are also labeled from 1 to 6. Each mini-frame with the same label consists of multiple but fixed number of time slots in each subframe. The sizes of mini-frames are chosen to match the expected traffic demand of the terminal classes and each sector uses the subframes according to the staggered order, given by "a" to "f" in FIG. 5. ***It is important to note that time slots of only those mini-frames marked with a solid line are available to the corresponding sector indicated on the left-most side of the figure. Clearly, varying from subframe to subframe, each sector is allowed to schedule packet transmission in one or more mini-frames in some subframes, but not in others.*** For instance, Sector 2 can use all mini-frames in Subframe 2, but it can schedule transmission only in Mini-frame 5 and 6 in Subframe 3. The other mini-frames in Subframe 3 are unavailable to Sector 2. (col. 10, lines 35-50; emphasis added).

In Leung, the signal-to-interference ratio is controlled by requiring sectors to ***turn on and off*** transmissions in particular timeslots in accordance with a fixed pattern. Leung does not disclose "***temporarily reducing*** transmission power on a forward link in at least one of the other sectors of the cell or a sector in another cell, ***the reducing of the transmission power being dynamically determined based on the determined current state of transmissions*** in the at least one other sector of the cell or the sector in another cell" as recited in amended claim 1.

Independent claims 16 and 19 are patentable for at least similar reasons as claim 1.

The dependent claims are patentable for at least the same reasons given with respect to the independent claims from which they depend.It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.Enclosed is a $795.00 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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